

IN THE MATTER OF  
THE APPLICATION OF  
GEORGE BARGHOUT  
FOR A SPECIAL HEARING ON  
PROPERTY LOCATED ON THE  
NORTHWEST CORNER BURKE AVENUE  
AND HILLEN ROAD  
(246 BURKE AVENUE)  
9TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 93-345-SPH

**ORDER OF DISMISSAL**

This matter comes to this Board on appeal from a decision of the Deputy Zoning Commissioner dated June 21, 1993 in which the Petition for Special Hearing was granted with restrictions.

WHEREAS, the Board is in receipt of an Notice of Dismissal filed by Francis X. Borgerding, Jr., Esquire, Counsel for George Barghout, Appellant /Petitioner, dated January 18, 1994 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal filed in this matter be dismissed and withdrawn as of January 18, 1994;

IT IS HEREBY ORDERED this 21st day of January, 1994 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*William T. Hackett*  
William T. Hackett, Chairman  
*Harry E. Buchelster, Jr.*  
Harry E. Buchelster, Jr.  
*S. Diane Levero*  
S. Diane Levero

IN RE  
PETITION FOR SPECIAL HEARING  
N/W Corner Burke Avenue and  
Hillen Road (246 Burke Avenue)  
9th Election District Fourth  
Councilmanic District

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF BALTIMORE COUNTY  
\* CASE NO.: 93-345-SPH

GEORGE BARGHOUT, Petitioner

**NOTICE OF DISMISSAL**

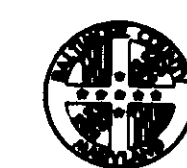
GEORGE BARGHOUT, by and through his attorneys, Francis X. Borgerding, Jr. and DiNenna and Breschi, hereby dismisses the above-captioned appeal which is set for hearing on January 20, 1994 at 10:00 A.M.

cc: Mr. Robert W. Keinard  
240 East Burke Avenue  
Towson, Maryland 21286

Ms. Susan Gray  
334 Ridge Avenue  
Towson, Maryland 21286

*Francis X. Borgerding, Jr.*  
FRANCIS X. BORGERDING, JR.  
DINENNA AND BRESCHI  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204  
(410) 296-6820  
Attorney for Petitioner, George  
Barghout

02:11 PM 18 JAN '94  
COUNTY BOARD OF APPEALS  
BALTIMORE COUNTY



**County Board of Appeals of Baltimore County**

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

January 21, 1994

Francis X. Borgerding, Jr., Esquire  
DINENNA AND BRESCHI  
Suite 600  
Mercantile-Towson Building  
409 Washington Avenue  
Towson, MD 21204

RE: Case No. 93-345-SPH  
George Barghout

Dear Mr. Borgerding:

Enclosed please find a copy of the final Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

*Kathleen C. Weidenhammer*  
Kathleen C. Weidenhammer  
Administrative Assistant

encl

cc: Mr. George Barghout  
Mr. Robert W. Keinard  
Ms. Susan Gray  
Mr. Anthony Solesky, President  
Towson Manor Village Association  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

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on Recycled Paper

IN RE: PETITION FOR SPECIAL HEARING  
N/W Corner Burke Avenue and  
Hillen Road  
(246 Burke Avenue)  
9th Election District  
4th Councilmanic District

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 93-345-SPH

George Barghout  
Petitioner

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owner of the subject property, George Barghout, by and through his attorney, Newton A. Williams, Esquire. The Petitioner requests approval and confirmation of the nonconforming commercial use of the subject property in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were George Barghout, property owner, who was represented by Newton A. Williams, Esquire, and Bruce E. Doak, Professional Engineer, Dr. Donald D. Cooper, adjoining property owner, Roland Rockel, and William O'Donnell, nearby property owner. Numerous residents of the area appeared as Protestants in the matter, including Susan Gray, Robert Keinard, Michael Perticone, and J. J. Quingert who testified in opposition.

Testimony indicated that the subject property, known as 246 Burke Avenue consists of 0.270 acres, more or less, zoned D.R. 5.5, and is improved with a 2.5 story frame dwelling with a 1 story block and frame addition which is the site of a Carry-out and Grocery store. Said property is located at the corner of Burke Avenue and Hillen Road in the Towson area of Baltimore County. The Petitioner filed the instant request as the result of a zoning violation complaint filed by an adjoining property

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Date 1/21/94  
By [Signature]

owner as to the operation of a food store on the subject property. The Petitioner requests approval of the first floor of the subject building as a nonconforming commercial use, with the remainder of the dwelling to be used for residential purposes.

Mr. Bruce Doak appeared and testified in support of the Petition. Mr. Doak prepared the site plan introduced as Petitioner's Exhibit 1 which depicts the property in question and the improvements thereon. It should be noted that the Petitioner's request for nonconforming use does not include the adjacent parcel of property known as 244 Burke Avenue, which is also owned by the Petitioner. Mr. George Barghout testified that he purchased the subject property in 1975 from a Dr. Karpa who operated the Donnybrook Pharmacy from the first floor of the existing building at that time. Mr. Barghout testified that he has not altered or renovated the property since his purchase of same. He testified that in addition to the operation of a pharmacy, Dr. Karpa also sold health food, and operated a soda fountain and luncheonette on the first floor of the subject building. Mr. Barghout stated that Dr. Karpa also sold breads and meats, and offered breakfast to the general public. Mr. Barghout testified that since he purchased the property in 1975, the first floor has always been used as a food store.

On cross examination of Mr. Barghout, it was brought out by the citizens who appeared in opposition to the Petition filed that at one time, many college students resided on the subject property and the adjacent property at 244 Burke Avenue. The Protestants elicited testimony that indicated there have been many problems in the past with college students having parties which required the attention of Baltimore County Police. Mr. Barghout testified that during the period when college stu-

ORDER RECEIVED FOR FILING  
Date 1/21/94  
By [Signature]

dents were renting the properties, he had no involvement with the operation of the property. He stated that his wife managed the properties at that time and that he has since taken over the management of these properties. Mr. Barghout further testified that the problems the Protestants experienced with college students in the past will not occur in the future.

Dr. Donald Cooper appeared and testified on behalf of the Petition. Dr. Cooper testified that from 1920 to 1950, he resided at 100 Burke Avenue which is just down the street from the subject site. He testified that he has been familiar with the subject properties since 1924 and that the existing building has not changed. He testified that the first floor always been used as a grocery/delicatessen and/or variety store. He testified that the grocery store was operated by Mr. Rockel's father. Dr. Cooper further testified that in 1948, he was aware that the Donnybrook Pharmacy operated on the first floor of the subject building. The Donnybrook Pharmacy solicited Dr. Cooper to send his patients to them for purposes of filling any prescriptions he wrote. Dr. Cooper testified that he either walked or drove past the subject site on a regular basis and that the property was always used as a grocery store and pharmacy during the time he was familiar with the site.

Mr. Roland Rockel testified on behalf of the Petition. Mr. Rockel testified that his family built the subject dwelling in 1924. He testified that the first floor was specifically built for use as a grocery store and that his family lived in the residential portion of the dwelling. He stated that as a boy, he worked in the store and that he recalled his family sold cigarettes, soft drinks, lunchmeats, cider, and various grocery products. Testimony indicated the Rockels basically operated a general convenience store from the first floor of the subject site. He testified

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Date 1/21/94  
By [Signature]

that when his family operated the business, they were open most hours of the day. Mr. Rockel further testified that in 1930 his family moved to Lutherville, but that he still maintained regular contact with the property.

Several of the residents appeared and testified in opposition to the Petitioner's request. The cumulative testimony presented by Robert Keinard, Susan Gray, and Michael Perticone indicated that their main concern was whether or not any expansion or change in the use of the property would be permitted. They demonstrated concern over a 7-Eleven or Royal Farm Store purchasing the site to operate a convenience store therefrom. They further testified out of concern over a Pizza delivery operation taking place on the subject site. Their testimony was very limited as to the historical uses of the first floor of this structure as a commercial operation. However, Mr. Keinard, who has lived in the area since the early 1940s, testified that he was familiar with the Donnybrook Pharmacy. Mr. Keinard testified that in his opinion, it was used more as a pharmacy than as a restaurant. He stated, however, that the pharmacy did have a soda fountain and would sell sodas and sandwiches to the public. He further testified that sodas and cigarettes and things of that nature were sold from the subject site.

The historical testimony offered by the Petitioner clearly demonstrates that the first floor of the subject structure has always been used for some type of commercial purpose. It was clear that the building was built specifically for the purpose of having a business operate from the first floor. It was also clear that the remainder of the structure, the second and third floors, were used for residential purposes. I must there-

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Date 1/21/94  
By [Signature]

fore determine what type of commercial operation can exist in the first floor of the building.

The common theme that existed in the testimony presented at the hearing was that the first floor of this building was always used to sell various and sundry grocery products. I also find that there has always been some type of food preparation on-site where food was prepared for the general public to either eat in or carry out. Therefore, I believe that the first floor of the subject structure enjoys a legal nonconforming use as a small convenience store. This would include the sale of various and sundry grocery products, as well as convenience items, such as soaps, shampoos, toilet paper, paper products, and other similar items. Furthermore, I believe that the Petitioner has proven that there has existed on the first floor of this property the sale of prepared foods, both for eat-in and carry-out customers. This would include the sale of subs, sandwiches, and pizzas to members of the general public. This would also include the operation of a meat counter for the sale of deli meats and cheeses. I do not believe, however, that a pizza delivery business should be permitted to operate from the premises as I believe that would change the nature of this particular nonconforming use. Therefore, the Petitioners shall not be permitted to operate a pizza delivery service on the subject property.

The Petitioner submitted as Petitioner's Exhibit 3 a menu of foods that are prepared on-site for sale to the general public. I find that existing use of the first floor of this structure by the Sultana Grocery and Deli business shall continue to operate and that the preparation of those items listed on the menu submitted as Petitioner's Exhibit 3, as well as other similar items, shall continue to be permitted. Further-

ORDER RECEIVED FOR FILING  
Date 1/21/94  
By [Signature]

more, the Petitioner shall be permitted to continue to operate his small convenience grocery store from the subject site. This nonconforming commercial use status is limited to the first floor of the subject building. The remainder of the dwelling, the second and third floors, shall be used strictly for residential purposes in complete compliance with the B.C.Z.R. The Petitioner is prohibited from operating any type of rooming house on the second and third floors of the subject property.

Furthermore, Petitioner's Exhibit 1 depicts five (5) concrete wheel stops located on the adjacent property, known as 244 Burke Avenue. It appears that the Petitioner has been allowing customers to park their vehicles on the adjacent property which is used for residential purposes, only. There was no testimony that would indicate that customer parking was permitted to occur on the adjacent property. Therefore, the Petitioner shall be prohibited from allowing customers patronizing the Saltana Grocery and Deli to park their vehicles on the adjacent property known as 244 Burke Avenue. As part of the restrictions of this Order, the Petitioner will be required to relocate the five wheel stops to a site along the property line of this triangular parcel of land and shall not permit any customers to park on 244 Burke Avenue. The Petitioner shall submit a revised site plan showing the relocation of these concrete wheelstops to this Deputy Zoning Commissioner for review and approval within thirty (30) days of the date of this Order.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1955.

- 6 -

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the first floor of the subject property has been used continuously and without interruption as a grocery/convenience store since prior to 1945, and as such, enjoys a legal nonconforming use. It is also clear that the remaining areas of the subject dwelling, which includes the

- 7 -

second and third floors, have always been used for residential purposes and shall continue to be used as such.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24<sup>th</sup> day of June, 1993 that the Petition for Special Hearing requesting approval and confirmation of the nonconforming commercial use of the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The nonconforming commercial use granted herein is limited to the first floor of the subject property only. The remaining levels of the subject building, which includes the second and third floors, shall be used strictly for residential purposes.

3) The existing Saltana Grocery and Deli store shall be permitted to continue to operate on the first floor of the subject property. There shall be no further expansion of this commercial use to other areas of the building. The remaining second and third levels of the subject dwelling shall continue to be used for residential purposes, only.

4) The operation of the subject grocery/deli is limited to the sale of various and sundry grocery products, as well as convenience items, such as soaps, shampoos, toilet paper, paper products, and other similar items. Furthermore, the Petitioner shall be permitted to continue to prepare food for both eat-in and carry-out customers, including subs, sandwiches, and pizza. This would also include the operation of a meat counter for the sale of deli meats and cheeses.

5) The Petitioner is prohibited from operating any type of pizza delivery service from the premises.

- 8 -

6) The Petitioner is also prohibited from operating any type of rooming house on the premises.

7) All parking for the subject property shall be provided on-site. The five (5) wheel stops located on the adjacent property known as 244 Burke Avenue shall be relocated to the subject property. Such relocation shall be accomplished within thirty (30) days of the date of this Order.

8) Within thirty (30) days of the date of this Order, Petitioner shall submit a revised site plan for review and approval by this Deputy Zoning Commissioner. Said plan shall be revised to show the number of parking spaces provided on-site and whether or not they are striped, existing or proposed landscaping, the relocation of the concrete wheel stops, and a detailed sign plan depicting the dimensions and height of the existing sign and whether or not it is illuminated. Said plan shall further show the hours of operation of the business, which shall be restricted to Monday through Saturday, 9:00 AM to 11:00 PM, and the number of employees employed at the site.

9) All trash pick up from the subject site shall be between the hours of 7:00 AM and 6:00 PM.

10) Upon request and reasonable notice, Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

11) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

- 9 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

June 21, 1993

(410) 887-4386

Newton A. Williams, Esquire  
Nolan, Plumhoff & Williams  
210 W. Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
NW/Corner Burke Avenue and Hillen Road  
(246 Burke Avenue)  
9th Election District - 4th Councilmanic District  
George Barghout - Petitioner  
Case No. 93-345-SPH

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Robert W. Keinard  
240 E. Burke Avenue, Towson, Md. 21286

Ms. Susan Gray  
334 Ridge Avenue, Towson, Md. 21286

People's Counsel

file

## Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 246 Burke Avenue

which is presently zoned B.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve and ~~revoke~~ grant a ~~nonconforming use~~ nonconforming use ~~for the property located at 246 Burke Avenue~~ for the property located at 246 Burke Avenue.

SECTION 104.1 NON-CONFORMING USES

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Petitioner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Address

City

State

Zip

Phone No.

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Address

City

State

Zip

Phone No.

Who do not own the property and who are not the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Address

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Phone No.

Legal Owner(s):

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Legal Owner(s):

(Type



# CERTIFICATE OF PUBLICATION

TOWSON, MD. 4/22, 1993

THIS IS TO CERTIFY, that the enclosed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/22, 1993

THE JEFFERSONIAN,

S. Zeke Olson  
Publisher

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE 7-20-93 ACCOUNT R-001-6150 No. 18345

AMOUNT \$25.00 \*150

RECEIVED FROM GEORGE M. BARGHOUT

FOR 246 BURKE AVE - APPEAL SIGN  
93-345-SPH

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE 7-20-93 ACCOUNT R-001-6150 No. 118344

AMOUNT \$175.00 \*140

RECEIVED FROM GEORGE M. BARGHOUT

FOR 246 BURKE AVE - SPH APPEAL  
93-345-SPH

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

**93-345-SPH** (410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

For newspaper advertising:

Case No.: \_\_\_\_\_ Item No.: \_\_\_\_\_

Petitioner: GEORGE BARGHOUT

LOCATION: 246 BURKE AVE.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: GEORGE BARGHOUT

ADDRESS: 246 BURKE AVE 9 HARTLEY CIRCLE APT. 222  
OWINGS MILLS, MARYLAND 21117

PHONE NUMBER: 823-8420

AJ:egs  
(Revised 3/29/93)

8:00 4/16/93  
ITEM # 355

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

APRIL 16, 1993

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-345-SPH (Item 355)

246 Burke Avenue  
BMC Burke Avenue and Hillen Road  
9th Election District - 4th Councilmanic  
Petitioner(s): George Barghout  
HEARING: MONDAY, MAY 24, 1993 at 10:30 a.m. in Rm. 118, Old Courthouse.

Special Hearing to confirm a non-conforming commercial use.

Bel John  
Arnold Jablon  
Director

cc: George Barghout  
Newton A. Williams, Esq.  
Harold Long  
Douglas B. Riley  
Towson West Village Association  
Susan Hughes Gray

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date 4/6/93 **93-345-SPH** ITEM Number 355

GEORGE BARGHOUT  
9 HARTLEY CIRCLE  
APT. 222  
OWINGS MILLS, MD. 21117

TAKEN IN BY LEO

040 - SPECIAL HEARING ..... \$250.00  
080 - POSTING SIGN ..... \$35.00  
TOTAL \$ 285.00

03A0380067MICHRC \$285.00  
SA 0003100PMD4-06-93  
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

May 20, 1993

Newton A. Williams, Esquire  
Nolan, Plunhoff & Williams  
700 Court Towers  
210 W. Pennsylvania Avenue  
Towson, MD 21204

RE: Case No. 93-345-SPH, Item No. 355  
Petitioner: George Barghout  
Petition for Special Hearing

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 6, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 26, 1993  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Division

RE: Zoning Advisory Committee Meeting  
for April 26, 1993  
Item No. 355

RWB:s

The Developers Engineering Division has reviewed the subject zoning item. We feel that adequate onsite parking needs to be provided.

SHA Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

4-15-93

HELLEN KEHRING  
Ms. John Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No: +355 (LEO)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
Bob Small  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0461 D.C. Metro - 1-800-495-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

DATE: May 7, 1993

SUBJECT: 246 Burke Avenue

INFORMATION:

Item Number: 355

Petitioner: George Barghout

Property Size: \_\_\_\_\_

Zoning: D.R. S.S

Requested Action: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

SUMMARY OF RECOMMENDATIONS:

The petition for a Special Hearing is to establish that a non-conforming use exists for 246 Burke Avenue. The Petitioner should submit information at the time of the hearing demonstrating that the property has been used in accordance with Section 104 of the Baltimore County Zoning Regulations continuously and without abandonment for more than one year, as a grocery store and delicatessen.

The site is located within the Towson Community Plan and is shown within a Community Conservation area. If there are proposals to intensify the use, the proposal may be inconsistent with the Towson Community Plan; further information is needed in order for a recommendation to be made.

The site plan should be revised to show the following:

1. Number of parking spaces provided on site.
2. Striping for the parking spaces.
3. Lighting, if it exists or is proposed.
4. Landscaping, if it exists or is proposed.
5. A sign detail showing dimensions and height of the existing sign and illumination.
6. Hours of operation.
7. Number of employees.

The petitioner should indicate whether any of the above items are proposed to be changed, and whether the use is proposed to change or be expanded by a revised plan submitted prior to the zoning hearing.

Prepared by: Jeffrey W. Long  
Division Chief: Gary L. Kemer  
PK/JL:lw

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 16, 1993

FROM: Jerry L. Pfeifer, Captain  
Fire Department

SUBJECT: Zoning Petitions

#352B	No comments
#353	No comments
#354	No comments
#355	No comments
#356	Building shall comply with the applicable provisions of the Life Safety Code and the Baltimore County Fire Prevention Code.
#357	No comments
#358	No comments
#359	No comments
#360	Building shall comply with the applicable provisions of the Life Safety Code and the Baltimore County Fire Prevention Code.

JLP/dal  
cc: File

RECEIVED  
APR 20 1993  
ZADM

**Zoning Enforcement**  
Baltimore County  
Zoning Administration & Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
(410) 887-3353

93-345-SPH  
Baltimore Case No. C-93-1117 (93-159)  
BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Gwen Stephens  
Development Management  
DATE: April 8, 1993  
FROM: James H. Thompson  
Zoning Enforcement Coordinator  
RE: Item No. 355  
George W. Barghout - Petitioner  
246 East Burke Avenue  
9th Election District

When the referenced public hearing is scheduled, please notify the following parties:

Harold Long - Executive Office  
Douglas B. Riley - Councilman, 4th District  
Towson Manor Village Association  
Susan Hughes Gray

JHT/cmm

c/o Anthony Solesky  
249 Ridge Ave  
Towson, Md. 21286

334 Ridge Ave  
Towson, Md. 21286

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

July 19, 1993

Ms. Susan Gray  
334 Ridge Avenue  
Towson, MD 21286  
Mr. Robert W. Keinar  
240 E. Burke Avenue  
Towson, MD 21286

RE: Petition for Special Hearing  
NW/Corner Burke Avenue and Hillen Road  
(246 Burke Avenue)  
9th Election District  
4th Councilmanic District  
George Barghout-Petitioner  
Case No. 93-345-SPH

Dear Ms. Gray and Mr. Keinar:

Please be advised that an appeal of the above-referenced case was filed in this office on July 19, 1993 by George Barghout. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Miniarski at 887-3391.

Sincerely,  
Arnold Jablon  
ARNOLD JABLON  
Director

AJ:jaw

c: Newton A. Williams, Esquire  
Mr. George Barghout  
Ms. Susan Gray  
People's Counsel

Charlotte R.  
will show him  
to the file  
Barghout complained  
about Susan Gray

APPEAL

Petition for Special Hearing  
NW/Corner Burke Avenue and Hillen Road  
(246 Burke Avenue)  
9th Election District - 4th Councilmanic District  
George Barghout-Petitioner  
Case No. 93-345-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protester(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to accompany Special Hearing  
2 - Eleven Photographs  
3 - Menu  
4 - Polk's Baltimore Suburban Directory

Protestant's Exhibits: 1 - Letter of Opposition  
2 - Letter to Newton Williams

Deputy Zoning Commissioner's Order dated June 21, 1993 (granted)

Notice of Appeal received on July 19, 1993 from George Barghout

c: Mr. Robert W. Keinar, 240 E. Burke Avenue, Towson, MD 21286  
Newton A. Williams, Esquire, Nolan, Plumbhoff & Williams, 700 Court Towers, 210 W. Pennsylvania Avenue, Towson, MD 21204  
Mr. George Barghout, 246 Burke Avenue, Towson, MD 21204  
Ms. Susan Gray, 334 Ridge Avenue, Towson, MD 21286  
People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
Timothy M. Kotroco, Deputy Zoning Commissioner  
W. Carl Richards, Jr., Zoning Coordinator  
Docket Clerk  
Arnold Jablon, Director of ZADM

Case No. 93-345-SPH  
George Barghout

9/07/93 - Ltr dtd 9/03/93 from Newton Williams --firm, including both S. Nolan and N. Williams, are withdrawing their appearance on Mr. Barghout's behalf.

9/22/93 - Following parties notified of hearing set for Tuesday, December 7, 1993 at 10:00 a.m.:

Mr. George Barghout  
Mr. Robert W. Keinar  
Ms. Susan Gray  
Mr. Anthony Solesky, President  
Towson Manor Village Association  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Timothy Fitts /Zoning Inspector  
Arnold Jablon, Director /ZADM

12/01/93 - Request for postponement received from Francis Borgerding, Jr., Esquire -- entering appearance as counsel for Appellant /Petitioner; needs time to prepare case, arrange for witnesses, etc.

12/02/93 - Postponement granted; Notice of PP and Reassignment sent to parties; t/c to Mr. Borgerding w/request that he attempt to contact by telephone protestants to advise of postponement. Case reset to Thursday, January 20, 1994 at 10:00 a.m. (Also spoke w/Ms. Gray this date and advised her of rescheduled date and reasons for postponement.)

1/18/94 - Notice of Dismissal filed by Frank Borgerding, Jr., Esq., on behalf of George Barghout, Appellant /Petitioner; appeal to be dismissed and Order issued.

111 West Chesapeake Avenue  
Towson, MD 21204

June 7, 1993

Mr. George W. Barghout  
246 Burke Avenue  
Towson, Maryland 21204

Re: 244 Burke Avenue  
Minshaw Letter/May 28, 1993  
9th Election District

Dear Mr. Barghout:

Thank you for providing the enforcement division with a photocopy of the letter written by Roy H. Minshaw pertaining to the alleged relationship between Fabrice Le Marsellac, Greg Vass, and Nicholas Minshaw.

Under Title 26, Section 26-180, of the Baltimore County Code, this office has the right not to process or render an official decision pertaining to any property in Baltimore County that the applicant owns or has any interest in, if that individual has other property that may be in violation of the zoning or development regulations within this county. Therefore, until a decision is rendered in public hearing (Case No. 93-345), no further opinion will be forthcoming regarding this property.

If, ultimately, a determination is made that the proposed living arrangement is in violation of the Baltimore County zoning regulations, our office will immediately proceed back to district court, since a permanent injunction does exist prohibiting a rooming house operation at 244 Burke Avenue.

Sincerely,  
James H. Thompson  
James H. Thompson  
Zoning Enforcement Coordinator

JHT/cmm

c: Douglas B. Riley, Councilman, 4th District  
Roy H. Minshaw  
Timothy L. Fitts, Zoning Inspector  
Timothy Kotroco, Deputy Zoning Commissioner/

County Board of Appeals of Baltimore County

Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue  
Towson, Maryland 21204

September 22, 1993

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 93-345-SPH  
GEORGE BARGHOUT  
NW /corner Burke Avenue and Hillen Road  
(246 Burke Avenue)  
9th Election District  
3rd Councilmanic District  
SPH - Approval and confirmation of nonconforming use -- carry-out/grocery.  
6/21/93 - D.Z.C.'s Order in which Petition for Special Hearing was GRANTED w/restrictions.

ASSIGNED FOR: TUESDAY, DECEMBER 7, 1993 at 10:00 a.m.

cc: Mr. George Barghout Appellant /Petitioner

Mr. Robert W. Keinar

Ms. Susan Gray

Mr. Anthony Solesky, President  
Towson Manor Village Association  
People's Counsel for Baltimore County

P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Timothy Fitts /Zoning Inspector  
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer  
Administrative Assistant



County Board of Appeals of Baltimore County  
OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180  
December 2, 1993  
Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue

**NOTICE OF POSTPONEMENT & REASSIGNMENT**

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 93-345-SPH GEORGE BARGHOUT  
NW /CORNER Burke Avenue and Hillen Road  
(246 Burke Avenue)  
9th Election District  
3rd Councilmanic District  
SPH - Approval and confirmation of nonconforming use -- carry-out/grocery.  
6/21/93 - D.Z.C.'s Order in which Petition for Special Hearing was GRANTED w/restrictions.

which was scheduled to be heard on December 7, 1993 has been POSTPONED at the request of Counsel for Appellant /Petitioner; and has been

REASSIGNED FOR: THURSDAY, JANUARY 20, 1994 at 10:00 a.m.

cc: Francis X. Borgerding, Jr. Counsel for Appellant /Petitioner  
Mr. George Barghout Appellant /Petitioner  
Mr. Robert W. Keinard  
Ms. Susan Gray  
Mr. Anthony Solesky, President  
Towson Manor Village Association  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Timothy Fitts /Zoning Inspector  
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer  
Administrative Assistant

County Board of Appeals of Baltimore County  
OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180  
March 28, 1994

Francis X. Borgerding, Jr., Esquire  
DINERMA AND BRESCHI  
Suite 600  
Mercantile-Towson Building  
409 Washington Avenue  
Towson, MD 21204

RE: Case No. 93-345-SPH  
GEORGE BARGHOUT

Dear Mr. Borgerding:

As no appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact the Zoning Director's office at 887-3353 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Very truly yours,

*Charlotte E. Radcliffe*  
Kathleen C. Weidenhammer  
Administrative Assistant

cc: Mr. George Barghout  
Ms. Susan Gray  
Mr. Robert W. Keinard  
Mr. Anthony Solesky  
People's Counsel for Baltimore County  
Timothy Fitts /ZADM

**BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management  
DATE: March 28, 1994  
FROM: Charlotte E. Radcliffe  
County Board of Appeals  
SUBJECT: Closed File: Case No. 93-345-SPH  
GEORGE BARGHOUT  
District 9C4

As no further appeals have been taken regarding the subject case, which was dismissed by order dated January 21, 1994, we are closing the file and returning same to you herewith.

Attachment

TOWSON MANOR VILLAGE ASSOCIATION  
249 Ridge Avenue  
Towson, MD 21286

June 15, 1993

Timothy M. Kotroco  
Deputy Zoning Commissioner  
Baltimore County  
County Office Building  
111 West Chesapeake Avenue  
Towson, MD 21204

Re: Case Number 93-345-SPH (Item 355), 246 Burke Avenue

Dear Commissioner Kotroco:

Please be informed that the meeting of the Executive Board of the Towson Manor Village Association was held on Monday, June 14, 1993 as scheduled. At that time, a comprehensive discussion of the property located at 246 E. Burke Avenue currently operated and owned by George Barghout and known as Sultana's took place.

It was resolved that the Association contends that the current use of the property at 246 E. Burke Avenue does not constitute a continuation of the previous use and therefore does not meet the criteria necessary to confirm a non-conforming use. It is our belief that Sultana's, operating as a deli/restaurant/grocery store does not sufficiently conform to the operations of the previous establishments.

That is, in offering cooked food (pizzas etc.) for consumption on the premises or for delivery to customers homes or offices, it does not conform to the operation of the establishment located at 246 E. Burke Avenue from the early 1940s to 1975, namely Donnybrook Pharmacy. The pharmacy had a soda fountain and served sandwiches but it did not serve food other than breakfast and lunch and it did not serve pizzas. The establishment located there from the 1920s to the 1940s, known as Rockel's, was a corner grocery store and candy store--it was not a restaurant or a deli.

As was agreed in the hearing on Monday, May 24, 1993, the Association has attempted to explore some form of compromise with Mr. Barghout through his attorney, Newton A. Williams. To his credit, Mr. Williams has been very cooperative with us and frank in his discussions of this matter. However, as the enclosed copy of a letter from Mr. Williams dated May 28, 1993 attests, Mr. Barghout is clearly unwilling to yield on those points of greatest concern to us: 1) hours of operation and 2) deliveries. In the letter, Mr. Williams states that we would be agreeable to restrict the number of delivery vehicles to a reasonable number; the Association believes that there should be no vehicles offering deliveries of any kind.

RECEIVED  
COUNTY BOARD OF APPEALS  
94 JAN 12 PM 2:33

240 E. Burke Avenue  
Towson, Maryland 21286  
January 11th., 1994

County Board of Appeals of Baltimore County  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, Maryland 21204

Attn: Mr. William Hackett, Chairman

Re: Scheduled Appeal's Hearing (1/20/94)  
Case No. 93-345-SPH  
Petitioner, George Barghout  
N.W./Corner-Burke Ave./Hillen Rd.  
246 E. Burke Avenue

Dear Chairman Hackett:

This letter, relative to the subject matter, is addressed to your attention as a document for review by the County Board of Appeals. It is being submitted for the following reasons, to wit:-

- (1) To affirm my written approval, as a member of the Towson Manor Village Association, of the judicious and impartial decision rendered by Deputy Zoning Commissioner, Timothy M. Kotroco this past June 1993. Admittedly, the decision did not favor the Association with all the restrictions they had hoped for, but the over-all decision did reflect a sincere interest in behalf of our community membership. For this we are thankful.
- (2) To clarify the reasons for my opposition to a proposed delivery service of pizzas from the Sultana Deli. This topic will undoubtedly be one of the key issues for discussion at the appeal's hearing. Granting approval of such service would surely open the door for future commercial expansion, either on the part of the present owner, Mr. Barghout, or for any subsequent party, who might purchase the property.

I have been a resident at the above address since April 1993, over 40 years, and have no knowledge of, nor ever witnessed any delivery of food or goods, from any of the two prior business establishments that operated from the subject deli site. The earlier store, I can recall, was a small corner grocery; the latter, a drug or pharmacy, known as the Donnybrook Pharmacy. All medicines that I needed at that time were purchased at this pharmacy.

With continued reference to deli delivery service, it is quite understandable that Mr. Barghout would be disquieted in knowing that his pizza competitors make unrestricted deliveries in his neighborhood, while he is presently restricted from offering such services. After all, the objectives of any business is to hopefully grow and for profits to increase.

Honorable Douglas S. Riley  
Baltimore County Council  
Old Courthouse  
400 Washington Avenue  
Towson, Maryland 21204

Re: Scheduled Appeal's Hearing (1/20/94)  
Case No. 93-345-SPH  
Petitioner: Mr. George Barghout  
246 E. Burke Avenue (Sultana's Deli)  
Approval/confirmation-Non-conforming use

Dear Councilman Riley:

As our 3rd. Councilmanic District representative, and as a councilman who has always shown interest in our Association's welfare, Towson Manor Village, I am enclosing, for your review, a copy of letter which I have just addressed to the County Board of Appeals of Baltimore County. My letter to their office, dated January 11th., 1994, relates to the subject matter and is self-explanatory. Also enclosed is a copy of "Notice of Assignment" from the Board of Appeals, dated September 22nd., 1993, which gives full particulars relative to the pending hearing.

The Appeal's Board ultimate decision on this matter will unquestionably be a factor in determining the degree of our success in attempting to impede the growth of commercialism in our community.

Thanking you for all past services rendered our Association, I am

Sincerely,

*Robert W. Keinard*  
Robert W. Keinard

BK  
Encs.

Law Offices  
**NOLAN, PLUMHOFF & WILLIAMS**  
CHARTERED  
SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(410) 823-7800  
TELEFAX: (410) 296-2765

May 28, 1993

Mr. Anthony Solesky, President  
Towson Manor Village Improvement Association  
249 Ridge Avenue  
Towson, Maryland 21286

RE: The Resolution of the Sultana's Case  
246 Burke Avenue

Dear Mr. Solesky:

As Mrs. Gray, Mr. Keinard, and others have probably told you the Hearing in front of Deputy Zoning Commissioner Kotroco went very well the other day, and all sides were given an opportunity to present their view points.

Towards the latter part of the case, certain proposed restrictions were mentioned if the Commissioner finds as we believe he will, that Mr. Barghout's operation constitutes a non-conforming commercial use.

The proposed restrictions, which could be included in the Order, included those relating to hours, deliveries, square footage, cooking orders, exterior appearance, and trash pickups.

I could recommend to my client that we jointly recommend to the Zoning Commissioner reasonable restrictions with regard to the following:

1. As to truck deliveries, I could certainly recommend that deliveries be made between 9:00 a.m. in the morning and 6:00 p.m. at night;
2. The square footage of the lower level of the operation is shown, and various restrictions in the Baltimore County Zoning Regulations already control the expansion of a non-conforming use to no more than twenty-five per cent;

Law Offices  
**NOLAN, PLUMHOFF & WILLIAMS**  
CHARTERED  
SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(410) 823-7800  
TELEFAX: (410) 296-2765

September 3, 1993

Honorable William Hackett, Chairman  
County Board of Appeals  
Courthouse  
Towson, Maryland 21204

Re: George Barghout - Sultana's

Dear Mr. Hackett:

Please accept this letter as notice that our firm, including both Steve Nolan and myself, are striking our appearance on Mr. Barghout's behalf.

As you know, Mr. Barghout was successful at the lower level proving a non-conforming use, although several restrictions were applied.

From talking to your staff, it is my understanding that Mr. Barghout has appealed directly to the County Board of Appeals and may be appearing in proper person.

By a carbon copy of this letter directed to Mr. Barghout, I am once again warning him that the County Board of Appeals is a completely new proceeding, that is, he must completely prove his case anew, and that he cannot rely upon the proof offered below. That is, he must call all witnesses that he wishes to call once again.

Secondly, although I have not received a notice, according to my records, Mr. Barghout is due back in District Court on Wednesday, September 29, 1993 at 1:30 p.m. and we are also striking our appearance in that matter as well.

CO:HNW L-43566  
ALH003





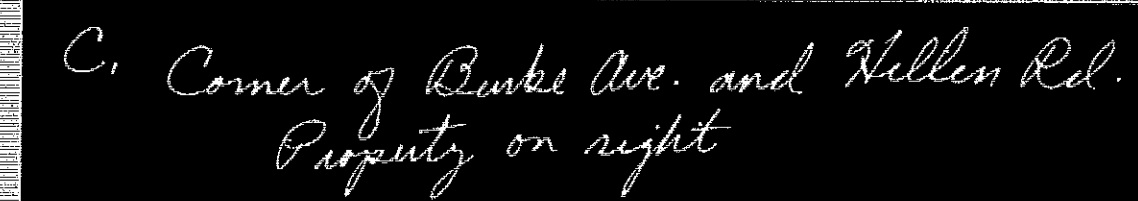


PETITIONER'S  
EXHIBIT 2

Barghout - Sutton's Case

Case No. 93-345-SPH

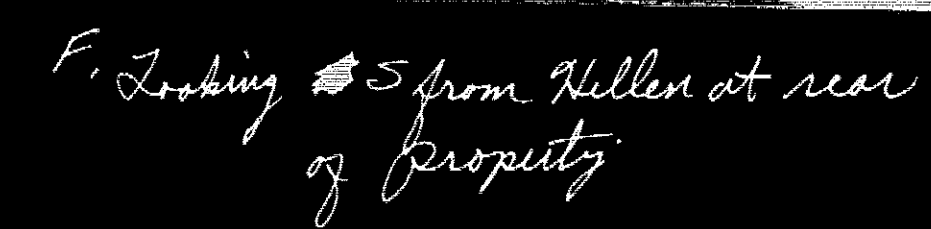
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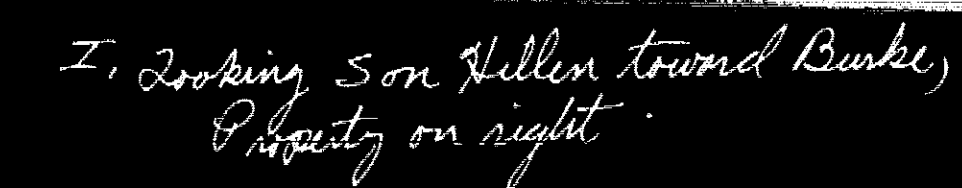
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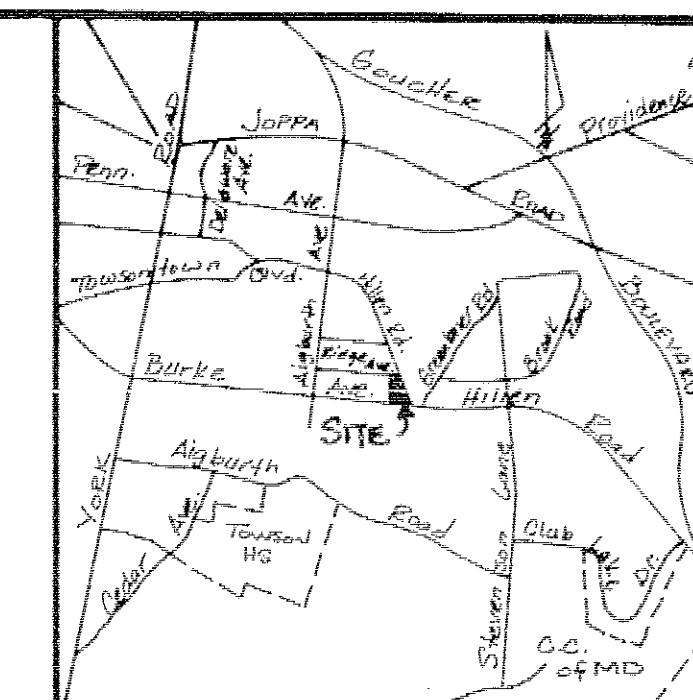


27



20





VICINITY MAP Scale: 1"=2000'

Notes:

- Floor Area Ratio: 13%
- Current Zoning setbacks for D.R.5.5 as follows:  
 Sidesyard 10'  
 Front Yard 25'  
 Lot width 55'  
 Rear Yard 30'
- Wooden signs on side of building facing Hillen Road advertising business.

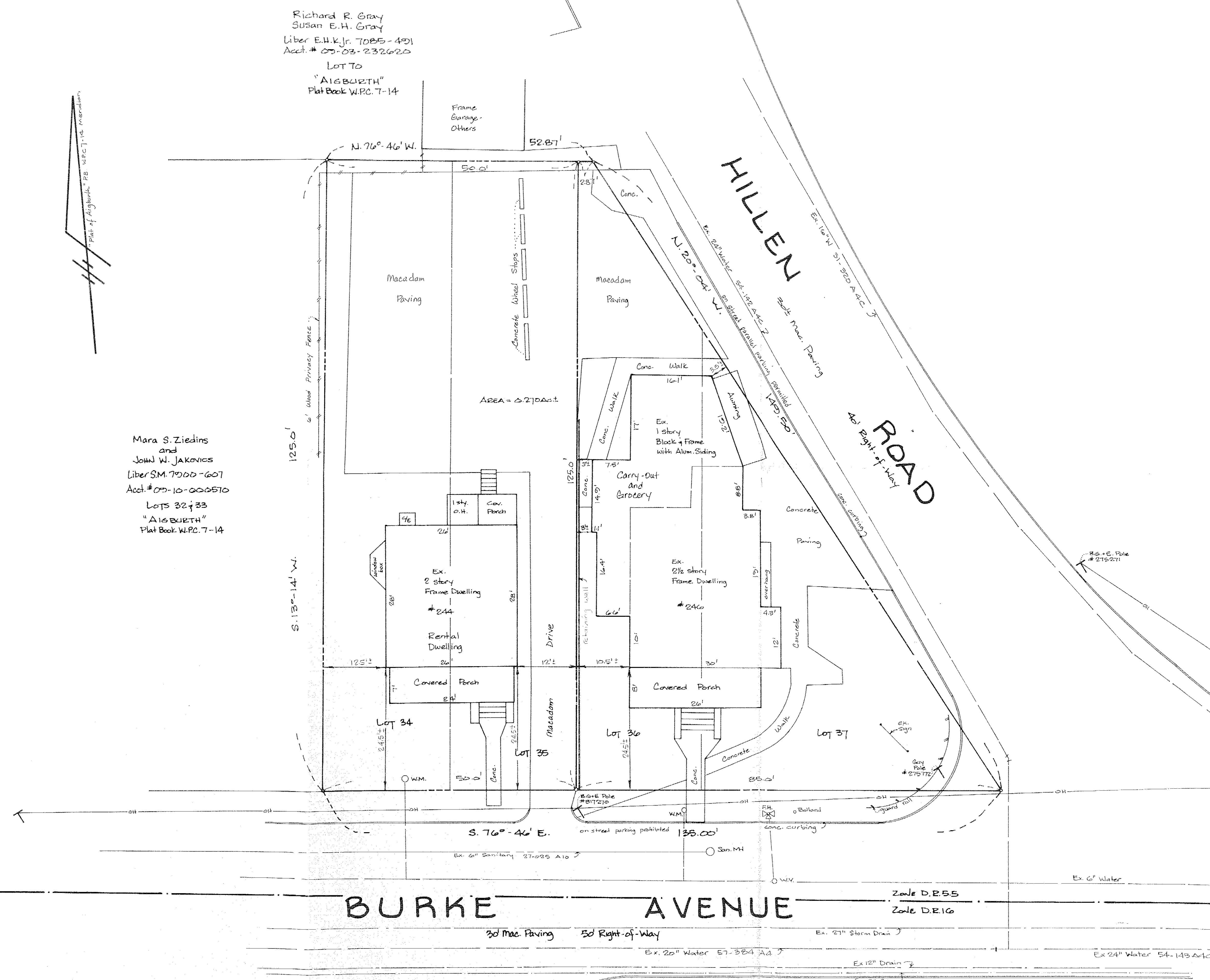
"Plan to Accompany a Special Hearing to Confirm a Non-Conforming Commercial Use"  
**BARGHOUT PROPERTY**  
 Deed Ref: SM.2090 - 300  
 Lots 34, 35, 36, and 37  
 "Plat of Aisborth"  
 Plat Book W.P.C. 7 Page 14  
 Tax Acct. Nos. #09-11-000660  
 #09-23-751160  
 Owner: George M. Barghout  
 c/o Gerald V. Caldwell  
 7701 Bel Air Road  
 Baltimore, Maryland 21236  
 Zoned D.R.5.5 - MAP NE 3-B (1992)  
 5th Election District, 4th Councilmatic Dist.  
 Baltimore County, Maryland

**93-345-SPH**

**PETITIONER'S EXHIBIT 1**

SCALE: 1"=10' DATE: FEBRUARY 24, 1993  
**GERHOLD, CROSS & ETZEL**  
 REGISTERED PROFESSIONAL LAND SURVEYORS  
 Suite 100  
 320 East Townsontown Boulevard  
 Towson, Maryland 21206  
 (410) 823-4470

ITEM #355 280 4/1993



Richard R. Gray  
 Susan E.H. Gray  
 Liber E.H.K.Jr. 7085-491  
 Acct. # 09-03-232620  
 Lot To  
 "Aisborth"  
 Plat Book W.P.C. 7-14

Mara S. Ziedins  
 and  
 John W. Jakovics  
 Liber SM.7900-607  
 Acct. # 09-10-000570  
 Lots 32 & 33  
 "Aisborth"  
 Plat Book W.P.C. 7-14